

REMARKS

Entry of the foregoing amendments, reconsideration and reexamination of the subject application, as amended, pursuant to and consistent with 37 CFR § 1.112, and in light of the remarks which follow, are respectfully requested.

By the present amendments, claims 1-34, 36, 37 and 49 are cancelled to expedite prosecution. Only claims 41, 42, 44, 46 and 47 remain pending. These amendments are introduced in order to facilitate prosecution.

Turning now to the Office Action, Applicants note with appreciation that most of the rejections have been vacated based on Applicant's most recent response.

The only outstanding rejection is that of claims 1-34, 36, 37, 41, 42, 44, 46, 47 and 49 under 35 USC § 112 first paragraph on scope of enablement grounds. Specifically, the Office Action succinctly states, "the specification, [while being] is enabling for a method of cloning a porcine fetus or live offspring by transfer of a differentiated pig cell or pig cell nuclear into *an enucleated pig oocyte*, to form a nuclear transfer unit, activating the nuclear transfer unit and transferring the cultured nuclear transfer unit into a female porcine, such that the nuclear transfer unit develops into a porcine fetus or live porcine and methods of producing a porcine CICM pluripotent cell line by nuclear transfer" (See page 3, lines 6-12 of Office Action).

By the present amendment, the claims have been restricted to the scope of subject matter deemed enabled by the Patent Office. Entry of this amendment is proper as:

(i) the Examiner has concluded that it is enabled by the teachings of the specification;

(ii) it has been examined already as the prior claims only encompassed the use of enucleated or nucleated oocytes in the claimed methods, both of which have been examined as evidenced by the enablement rejections; and

(iii) the present amendment cancels many of the prior rejected claims.

Accordingly, entry of this amendment should not raise new issues, and indeed, should place this case in condition for allowance.

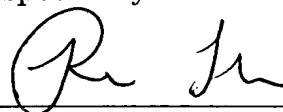
A Notice to that effect is respectfully solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100375.54384C3).

Respectfully submitted,

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